

Exhibit A

GINGRAS LAW OFFICE, PLLC

4802 E. Ray Road #23-271, Phoenix, AZ 85044 • Tel: (480) 264-1400 • Fax: (480) 248-3196

August 21, 2019

Via email only: abuse@cloudflare.com

Cloudflare c/o Justin Paine
101 Townsend Street
San Francisco, CA 94107

Re: **NOTIFICATION OF CLAIMED INFRINGEMENT**
17 U.S.C. § 512(c)(3)(A)

Dear Cloudflare:

This letter is a notification of claimed infringement sent pursuant to 17 U.S.C. § 512(c)(3)(A).

1. Identification Of Work Being Infringed; 17 U.S.C. § 512(c)(3)(A)(ii)

The work(s) being infringed are:

- A work entitled “**DMCA Page Text for Websites**”

NOTE the work entitled “*DMCA Page Text for Websites*” (created by the undersigned) has been registered with the U.S. Copyright Office and assigned Registration #TXu 2-009-004; effective date of registration: June 21, 2016.

A copy of the Certificate of Registration for this work is attached as Exhibit A.

2. Identification Of Infringing Material; 17 U.S.C. § 512(c)(3)(A)(iii)

The infringing text is essentially the entire page located at: <https://www.holysmoke.org/dmca/> (excluding artwork and generic menus); a copy of this page as it appeared on August 21, 2019 is attached as Exhibit B.

To be specific, the infringing content begins with the words: “This page contains instructions about how ...” at the top of the page, ending with “asking us to remove a post that you claim is false, your request will not be reviewed or considered,” and all text in between.

DMCA Notice to Cloudflare

August 21, 2019

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3. Contact Information; 17 U.S.C. § 512(c)(3)(A)(iv)

Author/Sender: David Gingras, 4802 E. Ray Road, #23-271, Phoenix, AZ 85044

Tel: (480) 264-1400, Fax: (480) 248-3196; Email: david@gingraslaw.com

I have a good faith belief that the use of the material complained of herein is not authorized by the copyright owner, his agent, or the law, and that the use in question does not qualify as fair pursuant to 17 U.S.C. § 107. *See Lenz v. Universal Music Pub., Inc.*, 815 F.3d 1146 (9th Cir. 2016).

I further certify that the information in this notification is accurate, and under penalty of perjury, that I am authorized to act on behalf of the Complainant as the owner of an exclusive rights that are allegedly infringed. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United State of America that the foregoing is true and correct.

If you have any questions, please feel free to contact me at: (480) 264-1400 or David@GingrasLaw.com.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "David Gingras", with a long horizontal flourish extending to the right.

David S. Gingras

Exhibit A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

United States Register of Copyrights and Director

Registration Number

TXu 2-009-004

Effective Date of Registration:

June 21, 2016

Title

Title of Work: DMCA Page Text for Websites

Completion/Publication

Year of Completion: 2009

Author

- **Author:** David Scott Gingras
Author Created: text
Citizen of: United States
Year Born: 1972

Copyright Claimant

Copyright Claimant: David Scott Gingras
4802 E Ray Road, #23-271, Phoenix, AZ, 85044, United States

Rights and Permissions

Organization Name: Gingras Law Office, PLLC
Name: David Scott Gingras
Email: david@gingraslaw.com
Telephone: (480)264-1400
Address: 4802 E Ray Road
#23-271
Phoenix, AZ 85044 United States

Certification

Name: David Scott Gingras
Date: June 21, 2016

Exhibit B



Copyright Claims And Policy



This page contains instructions about how to request the removal of infringing content pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 512 (the “DMCA”). Please read this entire page carefully before sending a removal request.

Most images appearing on Beware.org are submitted by our users who are prohibited from uploading images unless they are the lawful copyright owner. Other images may be obtained from third party sources only when doing so constitutes fair use under Section 107 of the U.S. Copyright Act; 17 U.S.C. § 107.

If you are a copyright owner and you believe the use of your images on this site is infringing, please let us know. We will promptly consider any valid take down demand as long as the demand meets all requirements of the DMCA and as long as the specific use of the image(s) is not clearly fair use. For purposes of clarity — our promise to review your notice does not constitute a promise, either express or implied, to remove any material from this site. Removal is always done at our discretion.

At a minimum, DMCA notices must include at least the following things:

(1) Your name, address, telephone number, and e-mail address;

NOTE — the DMCA requires that you provide this information. However, we understand that some people are uncomfortable giving us their address or phone. As a courtesy, we are willing to waive that requirement as long as your request otherwise complies with all other aspects of the DMCA. So, if you don't want to provide your address or phone, that's fine — you can simply say: “Address/Phone available upon request”.

(2) A description of the copyrighted work that you claim has been infringed;

(3) The exact URL or web address where the alleged infringing material is located NOTE: a description such as “the 3rd image on page 4” is NOT sufficient because we add new content all the time and images may shift location. Also, a description such as “that picture of me” is unacceptable because we do not know who you are. You must provide the exact URL of the post at issue. You can get the URL by clicking on the title of the post and then looking at the address bar on the top of that page. Failure to

You can get the URL by clicking on the title of the post and then looking at the address bar on the top of that page. Failure to include the exact URL may result in your request being delayed or rejected.

(4) A statement by you that you have a good faith belief that the disputed use has not been authorized by you, your agent, or the law;

(5) Your electronic or physical signature or the electronic or physical signature of the person authorized to act on your behalf (it's OK to just type your full name at the end of your notice); and

(6) A statement by you made under penalty of perjury, that the information in your notice is accurate, that you are the copyright owner or authorized to act on the copyright owner's behalf.

Please email your DMCA removal request to: DMCA@HOLYSMOKE.ORG.

NOTE — the DMCA does not say exactly how you should format your request. However, here are two VERY important tips:

1.) Your request should include a **clickable link** to the post. Requests which include a clickable link receive priority over requests which do not include a clickable link.

2.) Your request should be sent as a **standard HTML email**. For some reason, a lot of people send us PDFs attached to an email. This is technically permitted under the DMCA, but it is strongly discouraged, especially if the PDF was scanned and thus any URLs in it are not clickable. If you submit your request as a PDF or other attachment, processing of your request will be significantly delayed.

Please be patient. DMCA notices are usually reviewed only during normal business hours from 9-5 Monday through Friday (Arizona time). We try to review notices the same day they are received, but it may take up to 72 hours to process your request. If we believe that your notice is valid, we will remove the image(s) identified in the notice. However, we generally DO NOT respond to notices or explain why a particular notice was not honored.

IMPORTANT — Each DMCA report is independently verified for accuracy and legitimacy. Only when we are fully satisfied with the information submitted, do we actually remove any infringing media. Please note that a removed media file may be later replaced by an alternate media file which does not violate anyone's intellectual property.

NOTE: If you submit a removal request and you are NOT the copyright owner, or if you make any false statement in your demand (including a statement that our use of images is infringing when the use is clearly fair), you should be aware that the law imposes substantial liability for any damages and any attorney's fees incurred as a result; see 17 U.S.C. § 512(f).

FINAL IMPORTANT TIP — the email account dmca@www.holysmoke.org is only for one thing — submitting notifications of copyright infringement pursuant to the DMCA. This email address should NOT be used for any other purpose such as asking us to remove false/defamatory posts. If you send an email to dmca@www.holysmoke.org asking us to remove a post that you claim is false, your request will not be reviewed or considered.

User Review



ABOUT US

HolySmoke.org is an attempt to provide an unbiased, secure, unadulterated and free platform where you can create alerts, contribute and report information which may help you

NEED HELP

- ▶ Frequently Asked Questions
- ▶ Will you reveal my

NEW TO HOLYSMOKE.ORG?

- ▶ About Us
- ▶ Site Rules & Guidelines

and refer to information which may help you
avoid risks and damages, both emotionally and
financially....

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HOLY SMOKE!

identity

- ▶ Transparency Reports
- ▶ Is this legal?
- ▶ Copyright Policy
- ▶ Terms of Services

- ▶ The literacy clause
- ▶ No to Revenge Porn
- ▶ Official Blog
- ▶ Contact Us

CREATE ALERT